



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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January 11, 2007

Mr. James Zieche

Cumberland County Development Company, LLC
2490 Charles City Road
Richmond, Virginia 23231

Subject: Cumberland County Development Company Landfill, Permit No. 606
Notice of Intent and Part A Application
Cumberland County, Virginia

Completeness Review - 1

Dear Mr. Zieche:

The Virginia Department of Environmental Quality (DEQ) is in receipt of a Notice of Intent (NOI) and Part A Application, entitled, "Notice of Intent and Part A Application for Cumberland County Development Company, LLC," dated December 22, 2006. The submittal was prepared on behalf of Cumberland County Development Company, LLC (CCDC) by Brown and Caldwell. The submittal was received by DEQ on December 28, 2006.

The submittal has been reviewed for administrative completeness in accordance with § 9 VAC 20-80-500.A, B, C and E, § 9 VAC 20-80-510, and § 9 VAC 20-80-250.A of the Virginia Solid Waste Management Regulations (VSWMR, 9 VAC 20-80-10, *et seq.*). The submittal appears to be *administratively incomplete* due to the following reasons:

1. Page NOI – 2 of 7, Section I.C, Disclosure Statements and Appendix II: The **Social Security Numbers** for all key personnel in DEQ Form DISC – 02 (Page 1 of 4) are missing. In accordance with § 10.1-1400.1 of the Code of Virginia, the full name, business

address, and **social security number** of all key personnel are required. However, Diver's License Numbers instead of Social Security Numbers may be acceptable, as it has been indicated in the updated DEQ Form DISC-02 (REVISED June 16, 2006). The updated DEQ Form DISC-02 can be downloaded from the link <http://www.deq.virginia.gov/waste/wasteforms.html>.

2. Page NOI – 2 of 7, Section I.E, Public Participation and Appendix IV: The public notices published in The Farmville Herald and The Cumberland Bulletin do not include the specific location of the site other than just saying located in Cumberland County and address of the person who can be contacted in writing by interested persons to answer questions or receive comments on siting and operation of the proposed sanitary landfill. In accordance with § 9 VAC 20-80-500.B.5.b(2) and § 9 VAC 20-80-500.B.5.b(4), at a minimum, the public notice shall include the proposed sanitary landfill **site location**; and the name, **address** and telephone number of a person employed by an applicant who can be contacted by interested persons to answer questions or receive comments on siting and operation of the proposed sanitary landfill. In addition, no documents showing that the public meeting was held, number of attendees, comments/concerns received in the public meeting or by mail or phone, and how the public comments/concerns have been addressed.
3. Page NOI - 4 of 7, Section I.G.2: The daily average and maximum disposal limits for the facility has been proposed to be 5,000 and 7,000 tons/day, respectively. Whereas in Host Agreement, Page 23, last paragraph it says, "The Company shall not dispose at the Landfill more than 2,500 tons of Waste per day, based upon a calendar quarterly average utilizing a six (6) day work week, with a not to exceed one-day limit of 140% of the quarterly average. The initial 2,500 tons per day quarterly average shall be increased by five percent (5%) annually for the first fifteen years following the Operation Date. The one-day limit shall never exceed 140% of the current quarterly average." In accordance with the Host Agreement, the daily average and maximum disposal limits for the first 15 years should be as follows:

Year	Daily Average (tpd)	Daily Maximum (tpd)	Year	Daily Average (tpd)	Daily Maximum (tpd)
1	2,500	3,500	2	2,625	3,675
3	2,756	3,859	4	2,894	4,052
5	3,039	4,254	6	3,191	4,467
7	3,350	4,690	8	3,518	4,925
9	3,694	5,171	10	3,878	5,430
11	4,072	5,701	12	4,276	5,986
13	4,490	6,285	14	4,714	6,600
15	4,950	6,930			

Please explain and clarify as to how the daily disposal limits proposed in this application will comply with the limits prescribed in the Host Agreement for the first 15 years.

4. Page PTA - 2 of 36, Section II.D: Only a notarized and signed statement certifying the validity of information is included in Appendix X. No option of purchase agreement or true deed is provided for 557 acres of the property. In accordance with § 9 VAC 20-80-510.D, a copy of lease or deed (showing page and book location) or certification of ownership of the site to demonstrate legal control over the site for a period of the permit life. A documentation of an option to purchase will be considered as a temporary substitute for a deed; however, the true deed must be provided to the department before construction at the site begins. Please clarify and submit the appropriate documents that meet the requirements of § 9 VAC 20-80-510.D.
5. Page PTA - 29 of 36, Section II.L.7.a. In this section it has been mentioned that at this current condition, the requirements of 250.A7.a are not met. A variance is submitted in Appendix XXIV. Whereas, no variance request is included in Appendix XXIV, instead Dam Break Analysis is included in this Appendix. Please verify this section and if necessary, submit a variance request following the procedures and information outlined in § 9 VAC 20-80-750 and § 9 VAC 20-80-790 along with appropriate fee. In accordance with § 9 VAC 20-90-120, Table 3.1-3, the base fee for all variance is \$390 and fee for siting requirements (variance to permitting requirements) is \$520.

Based on the application (Page PTA - 23 of 36), less than 2.0 acres of non-tidal wetlands and about 8,000 linear feet of intermittent stream channel may be directly and indirectly impacted by the landfill activities. Please be advised that the Part A application may be reviewed for completeness and technical adequacy but can not be approved until proper permits are obtained

Mr. James Zieche

Cumberland County Development Company Landfill, Permit No. 606

Notice of Intent and Part A Application, Completeness Review - 1

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from U.S. Army Corps of Engineers and DEQ's Water Permitting Group of South Central Regional Office and submitted with the Part A application. Also a description of best management practices (BMP) as to how the integrity of the wetlands and streams outside of the WMUB but within the facility boundary, if any, will be maintained during construction of the site, is encouraged to be included.

Please provide the additional information and necessary revisions within 30 days from the date of this letter. Processing of your Part A application will not continue until these revisions are made and submitted to DEQ.

Please note the letter should not be considered a legal opinion or a case decision as defined by the Administrative Process Act, Code of Virginia § 2.2-4000 *et seq.* If there are any questions about this letter or the Part A application review and approval process, please contact me by telephone at (804) 698-4196, and/or by e-mail at makarim@deq.virginia.gov.

Sincerely,



Dr. M. A. Karim, P.E.
Environmental Engineer Senior

cc: Robert Goode, Matt Biesterveld, Mark Bushing, DEQ-SCRO
Debra Miller, Cynthia Houchens, DEQ-CO
Part A File, Permit No. 606, DEQ-SCRO
Part A File, Permit No. 606, DEQ-CO
Mr. Stephen Batiste, 501 Great Circle Road, Suite 150, Nashville, TN 37228
Ms. Sandra Everson-Jones, P. O. Box 110, Cumberland, VA 23040